

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ERIK KHAN,**

**Plaintiff,**

**v.**

**No. 15-cv-1151 MV/SMV**

**CHRIS BARELA, ELVA BRIGHT,  
GORDON DEVEREAUX, BILL STICKLES,  
FNU BEAM, JUSTIN PORTER,  
VICKI HOOSER, CHERYL ROACH,  
JASON DURAN, TAMMY RUSH, and  
DOÑA ANA COUNTY,**

**Defendants.**

**ORDER DENYING MOTION FOR REFERRAL TO PRO BONO PANEL**

THIS MATTER is before the Court on Plaintiff's letter to the Clerk of the Court [Doc. 43], filed on March 14, 2016, requesting referral to the pro bono panel in the hopes that a panel attorney would agree to represent him in this civil rights action. A deputy clerk docketed the letter as a second motion for appointment of counsel. Plaintiff then moved to strike the letter from the docket and, instead, to deliver it to the pro bono panel. [Doc. 45]. He argues that requesting referral to the pro bono panel is an "alternative" to a motion to appoint counsel. *Id.* at 1. Accordingly, he disagrees that his letter should be treated as a second motion to appoint counsel. *Id.*

As Plaintiff acknowledges, his first motion for appointment of counsel was denied on January 4, 2016, and the denial was affirmed on March 2, 2016. [Docs. 12, 39]. These orders addressed his request for appointment of counsel. *Id.* These orders additionally considered whether requesting the voluntary assistance of counsel (i.e., referral to the pro bono panel) was

appropriate. *Id.* Referral to the pro bono panel was not appropriate then, and Plaintiff offers nothing new to show that it is appropriate now. The Court denies Plaintiff's requests for referral to the pro bono panel for the same reasons as outlined in its previous orders. *See* [Docs. 12, 39].

Plaintiff's recent filings continue to show that he is presenting his claims quite ably. In fact, he appears to comprehend and be more resourceful than the majority of pro se litigants. Moreover, the Court continues to be unpersuaded that the underlying claims are sufficiently meritorious or complex to warrant requesting the voluntary assistance of counsel (i.e., referral to the pro bono panel).

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Plaintiff's letter requesting referral to the pro bono panel [Doc. 43] is **DENIED** at this time.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Withdraw Doc. 43 and Order it be Delivered to the Appropriate Panel [Doc. 45] is **DENIED**.

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**